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April 17, 2020

Via ECF

Honorable Kimba M. Wood
United States District Judge
Southern District of New York
500 Pearl St.
New York, New York 10007

Gregory Morvillo

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Re: *United States v. Velazquez, et al.* (Antonio Burgos), 19 Cr. 116

Dear Judge Wood:

We represent Antonio Burgos in the above-captioned matter and write with regards to Mr. Burgos's sentencing submission. Pursuant to Your Honor's rules, Mr. Burgos's sentencing submission is due on April 28, 2020, two weeks before sentencing which is currently scheduled for May 12, 2020. Because we have been unable to contact our client to prepare for his sentencing submission, we respectfully request a one-week extension.

Due to the outbreak of COVID-19 and the resulting lockdown at the MCC, we have been unable to speak to Mr. Burgos (currently held at the MCC) in over two months about his upcoming sentencing.¹ We emailed the MCC directly, pursuant to their protocol, on four separate occasions—March 25, March 30, April 5 and April 14—to request legal calls, and we received no response. On April 14, we also emailed the Federal Defenders pursuant to a new protocol and have not yet received a response. In addition, on April 13, we emailed AUSA Michael Krouse expressing our concern about the lack of response; he forwarded our email to legal counsel at the MCC, but we received no response. As a result, we have been unable to discuss or prepare for Mr. Burgos's upcoming sentencing hearing and sentencing submission. We have also not yet received the Presentence Report from Probation (which is not surprising given that the second half of the presentencing interview was conducted only three days ago on April 14, 2020).

¹ We have spoken to Mr. Burgos in three unprivileged conversations since his plea hearing—twice during his interviews with Probation and once when Mr. Burgos's sister spontaneously conferenced us into a telephone call with him from the MCC.

The Honorable Kimba M. Wood
April 17, 2020



Because we have not been able to communicate with our client, we do not have the authorization to seek an adjournment of the sentencing date or make any other decisions on Mr. Burgos's behalf.² As such, at this time, we respectfully request only that Your Honor grant us a one-week extension for the sentencing submission, to be due on May 5, 2020. We have discussed our concerns with the Government, and the Government has no objection to our request. Should we continue to be unable to communicate with our client in an effective manner, we will notify the Court as soon as practicable.

] granted

We are, of course, available at the Court's convenience should Your Honor require further information on this matter.

Respectfully submitted,

/s/

Gregory Morvillo

cc: AUSA Michael Krouse
AUSA Adam Hobson
U.S. Probation Officer Jill Jefferies

Kimba M. Wood

4/22/20

SO ORDERED

² Our inability to communicate with Mr. Burgos in any manner to effectively prepare for his sentencing raises Sixth Amendment right to counsel concerns as well.